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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,511	04/19/2004	Peter Van Horn	19155-5	3461
<div>7590 02/27/2007 Woodard, Emhardt, Moriarty, McNett & Henry LLP Bank One Center/Tower Suite 3700 111 Monument Circle Indianapolis, IN 46204-5137</div>			<div>EXAMINER SHRIVER II, JAMES A</div>	
			<div>ART UNIT 3618</div>	<div>PAPER NUMBER</div>
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/827,511

Applicant(s)

VAN HORN ET AL.

Examiner

J. Allen Shriver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,13,16,22,24,25 and 33-36 is/are rejected.
- 7) ☒ Claim(s) 3,4,9-12,14,15,17-21,23 and 26-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-2, 5, 25 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozark (US Patent 5,839,738).** Ozark discloses a multipurpose cooler for storing and transporting items comprising a cooler body (10) having a lid (64); and a basket (58) connected with said cooler body for sliding between a fully extended position forming, with said cooler body, a basket cavity (60) for storing and transporting items and an fully retracted position against said cooler body (See Figs. 1-2); [**claim 2**] wherein the fully retracted position includes said basket being substantially entirely collapsed against said cooler body and the basket cavity being substantially entirely nonexistent; and [**claim 25**] further including standard wheels (26) having a first diameter and being rotatably connected to said cooler body.

Regarding claim 5, Ozark inherently discloses including a track means for guiding said basket between the fully extended and fully retracted positions.

Regarding claim 36, Ozark discloses a cooler body (10) having an insulated interior and an exterior; a lid (64) connected to said cooler body to permit selective access to the interior; and a container body (58) having three walls and a bottom and being slidably connected to said cooler body to slide between a fully extended position defining, with said cooler body, a cavity

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for storing and transporting items and a fully retracted position where said cavity is substantially nonexistent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozark (US Patent 5,839,738) in view of Examiner's Official Notice.** Ozark discloses a multipurpose cooler as set forth above, but does not specifically disclose the specific components of the track means including two slots on opposing sides of the basket and posts extending outwardly from the cooler body. Examiner takes official notice that it is notoriously old and well known that track means includes a track with a slot, wherein a post engages and slides in the slot. Therefore, it would have been obvious to a person of ordinary skill in this art to provide a track means having a slot on both sides of the basket that engages a post on both sides of the cooler body in Ozark, so that the basket can easily slide in and out.

5. **Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozark (US Patent 5,839,738) in view of Conrado et al. (US Patent 6,315,149 B1).** Ozark discloses a multipurpose cooler as set forth above, but does not disclose a cutting board positionable atop said cooler body. Conrado discloses a cutting board (72) positionable atop said cooler body. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to

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provide a cutting board atop the cooler body in Ozark in view of the teaching of Conrado et al. The motivation for doing so would have been to allow a person to cut up food items that were stored in the cooler.

6. **Claims 16, 22 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozark (US Patent 5,839,738) in view of Jackson (US Patent 5,407,218).** Ozark discloses a multipurpose cooler as set forth above, but does not disclose at least one accessory holding device attachable to said cooler body and configured for receipt and holding of various items. Jackson discloses an accessory holding device (78) attachable to said cooler body and configured for receipt and holding of various items. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide an accessory holding device on the cooler body disclosed in Ozark in view of the teaching of Jackson. The motivation for doing so would have been to allow the user to store items such as keys, wallet, etc., without having to put them in the cooler.

Regarding claim 22, Jackson discloses including connection means (80,82) connected with said at least one accessory holding device and with at least one of said cooler body and said basket for removably connecting said at least one accessory holding device alongside of said at least one of said cooler body and said basket.

Regarding claim 35, Ozark discloses a handle (34) connected with said container body to slide between a full-in, storage position and a full-out, transport position.

7. **Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozark (US Patent 5,839,738) and Jackson (US Patent 5,407,218) as applied to claim 16 above, and further in view of Treppedi et al. (US Patent 6,474,097 B2).** The combination of Ozark and

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Jackson disclose the multipurpose cooler as set forth above, but does not disclose including a rod holder including at least one tubular member with a top end, the tubular member being open at its top end. Treppedi et al. discloses a rod holder (32) having an open top end. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide a tubular rod holder on the cooler disclosed in Ozark in view of the teaching of Treppedi et al. The motivation for doing so would have been to allow an umbrella to be stored in the tubular rod holder.

Allowable Subject Matter

8. Claim 3-4, 9-12, 14-15, 17-21, 23 and 26-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914.

Any inquiry of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

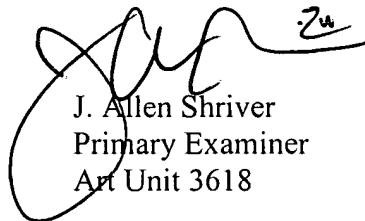
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<http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to: (571) 273-8300 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).



J. Allen Shriver
Primary Examiner
Art Unit 3618

JAS